

MAR 08 2007

smt 4:30pm

CITY CLERK'S OFFICE  
SANTA BARBARA, CA

## Notice of Appeal

To: Santa Barbara City Council  
Submitted by: Tamara Erickson  
Date: March 8, 2007  
Re: Dance Permit at 514 State Street  
Body Granting Permit: Police & Fire Commission  
Date Permit Granted: February 22, 2007 (10 day appeal requirement waived due to inaccurate appeal information provided at P&F Commission hearing)

Please accept this appeal of the Police & Fire Commission's decision to grant a Dance Club Permit to applicant Greg Newman, prospective owner of Dance Club currently known as 'The Sandbar' at 514 State Street.

### Grounds for Appeal

#### **Building Design**

This Club currently has an approved capacity of 297 patrons and a well-documented history of violations, citations and complaints which directly impact the safety and quiet enjoyment of others in this neighborhood. Like a revolving door, new owners and operators at this location have each made promises about compliance with laws and local ordinances, and the new applicant has done the same. However, such compliance is not possible as the building is not constructed to contain noise. More than half of the building's square footage is either open air patio or covered patio with a stretched canvas or vinyl 'roof'. One 'wall' is a thin canvas curtain. Exterior and interior French-doors are designed to fold back completely and create a wide open walkway.

The truly 'enclosed' space is very small and includes a large bar, a dance floor and a stage where live bands perform. Additional seating and a variety of lights and speakers extend onto the covered and uncovered patio area. As the attached photos from the Sandbar website <http://www.sandbarsb.com/> show, the French doors at the back of the building and leading onto the patio area are routinely left open. It appears nearly impossible that 297 patrons could move throughout the space if the doors remained closed. The building design, coupled with its close proximity to two hotels and many downtown residences, make it an undesirable location for a Dance Club.

#### **Conditions are not enforceable**

Dance Clubs differ from bars and restaurants in that loud amplified music and live bands are used to attract and maintain Dance Club crowds. It's how Clubs compete. Despite the good intentions of past and prospective owners and the Night Life Enforcement Team, the list of violations at this location is dramatic. Captain Lowry reported 66 citations in the past two years. Police resources are stretched and the Police & Fire Commission was *completely unaware* of the violations at this location (or numerous violations at the other Clubs). Proposed conditions to limit music to within 50 feet of the premises and require that windows and doors remain closed are not practical and are impossible to enforce. With 24 other bars and Dance Clubs to police, drugs, fights and drunk drivers to cite, noise becomes a very low priority for Police. Due to its history of problems, issuing a Dance Permit - even with the strictest conditions - at this location is not in the public's best interest.

#### **Alcohol-related crime**

Granting a Dance Club Permit at this location will contribute to existing conditions which foster crime and require constant Police presence at great expense to the City. Attached chart data (A,B,C) (Source: SBPD "Busted Reports") demonstrates that crime in the blocks with Dance Permit concentration is **343%** higher than that of the adjacent 3 blocks without Dance Permit concentration. In the last eight months 77% of all cited crime in the 400-900 blocks of State Street occurred in the 400-600 blocks. The 500 block alone - where the Sandbar is located - generated 38% of all crime in this six block area.

More than 25 bars or Dance Clubs currently operate within a few blocks of the applicant's business at 514 State Street, with approved Dance Club and bar capacities of **more than 5,000 patrons**. An additional 25 restaurants are also licensed to serve alcohol in this small area. No public necessity exists for another similar establishment. (D)

The City of Santa Barbara is limited in its ability to control the movement of ABC liquor licenses within Census Tract 9, other than requesting that strong conditions be added to licenses. **However, the City does have the ability, and the responsibility, to control which liquor licensed premises it grants Dance Club permits.** The impact of Dance Club permits on alcohol-related crime is well documented in the City of Santa Barbara's "Ordinance Committee Report" dated December 13, 2005, prepared by Robert Lowry, Police Captain, submitted by Camerino Sanchez, Chief of Police and approved by the City Administrator's office. The entire report is attached. Please note specifically:

From page two (emphasis mine).....

*"The City of Santa Barbara has a population of 90,518 and has 538 liquor licenses. This means that 21% of the County's population resides in the City of Santa Barbara; however, the City holds 43% of the County's liquor licenses. **A third of the City's liquor licenses are located in Census Tract 9.** The Entertainment District is located within this census tract and covers approximately .4 square miles, or 2% of the City's total 21 square miles...The data clearly indicates that the City of Santa Barbara's Entertainment District...has a high concentration of ABC licenses per capita in the State of California. **This high concentration has presented law enforcement and public safety challenges.**"*

**"Current Issues**

- *Public Safety - There are a high number of reported offenses and alcohol-related crimes in the Entertainment District compared to the rest of the City."*

From page three...

- *"Resources/Funding – City staff, primarily from the **Police and Fire Departments, spend considerable time managing the Entertainment District** on evenings from Thursday through Sunday, reducing the police coverage throughout the City."*
- *"There are a total of 28 dance permits in the City of Santa Barbara. Of these **dance permits, 21 are located within the Entertainment District**, resulting in 75% of the City's dance permits in the District."*

From page four...

*"On most Thursday, Friday and Saturday evenings from 10:00 p.m. to 3:00 a.m., **the majority of the Police Department's on-duty personnel are policing the Entertainment District** due to call volume and crowd management. Over the last three years from the hours of 10:00 p.m. to 3:00 a.m. 25% of the City's reported criminal offenses, and 54% of all alcohol-related crimes occurred in the Entertainment District. This area also accounted for 42% of the Police Department's arrests."*

## **Inadequate Review of Dance Permits**

While the City empowers the Police and Fire Commission to grant Dance Club Permits, it has created no mechanism to track problems or crime related to Dance Permitted businesses. Dance Club Permits, including the one I am appealing, currently have no expiration date. There is no process for neighbor notification. While most permits which impact neighborhoods and City finances typically run through the Planning Department under strict scrutiny, Dance Permits do not. In fact, to my knowledge no Dance Permit request in the 400-600 blocks of State Street has ever been denied.

My letters to the Mayor, meetings with City Council Members and Police Department staff about alcohol-related crime and problems with the Dance Permit Ordinance began four years ago. Public hearings on possible revisions to the existing Dance Permit Ordinance began in 2005 and appear to have stalled at the end of 2006. The City has been aware of the problems for many years and yet instead of monitoring and restricting Dance Club Permits, it continues to grant new permits and subsidizes their existence. Year after year more than \$500,000 is budgeted to the Nightlife Enforcement Team to deal with the high crime – and dense Dance Permit concentration – in the 3-block area of Downtown. New permits should not be granted until the existing Dance Permit Ordinance deals with the issue of cost to the City, accountability and review.

## **No expectation of approval should exist, and opponents should be heard**

Public discussions last year about the Dance Club Permit Ordinance confirmed that Dance Club Permits do *not* automatically transfer to new owners, and no expectation or promise of a new Dance Club Permit should exist. Although the applicant circulated a sample menu and alluded to the option to turn the business into a Mexican restaurant, no questions were raised about this as an alternative to operation as a Dance Club. Applications should not be 'rubber stamped' without a thorough investigation of the facts and airing of opposition. At the recent Police & Fire Commission meeting where Sandbar's permit was approved this did not occur. Immediately before the vote a *very* brief mention was made that there were many letters from citizens opposing the Sandbar's Dance Club Permit, but only one letter (from Kay Morter, Holiday Inn Express) was read aloud and *none* were presented to the Commissioners or applicants for their review.

## **Damage to business**

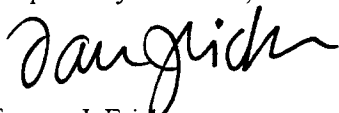
Downtown Santa Barbara is a treasure and a big draw for out of town visitors. In the past year alone Hotel Santa Barbara generated 23,167 room nights and \$470,000 in TOT for the City. We sent more than 50,000 guests out onto State Street to spend their time, and their money. Sadly, some will not return because of the noise and 'vibrant' (read: out of control) Dance Club 'scene' in the blocks surrounding our business. I keep logs of guest names, refunds, and stories of lost sleep and outrage due to noise from neighboring Dance Clubs – including the Sandbar. Although we work hard for the many compliments about our staff, our guestrooms, meeting facilities, the lobby...the one thing we can't control is the number of guests who never return because of the objectionable conditions that exist at night on Downtown sidewalks right outside our doors.

The following review on the online hospitality review site 'TripAdvisor' is just a sample of the comments I hear from guests: *"I would be very, very careful staying at this hotel. This part of Santa Barbara is pretty dicey (I am a Santa Barbara Native)...The noise level from the street is unbelievable on the weekends due to the noise coming from 3 different bars on three different sides of the hotel."*

## **Conclusion**

As you review this request for appeal I urge you to consider the high rate of crime and expenditure of public tax dollars which follow the Dance Club Permits approved by the Police & Fire Commissioners you appoint. You alone have the final responsibility for these important decisions which affect public peace and safety.

Respectfully submitted,



Tamara J. Erickson  
General Manager  
Hotel Santa Barbara  
533 State Street  
957-9300 ext 1255  
[terickson@hotelsantabarbara.com](mailto:terickson@hotelsantabarbara.com)

# Photos from Website

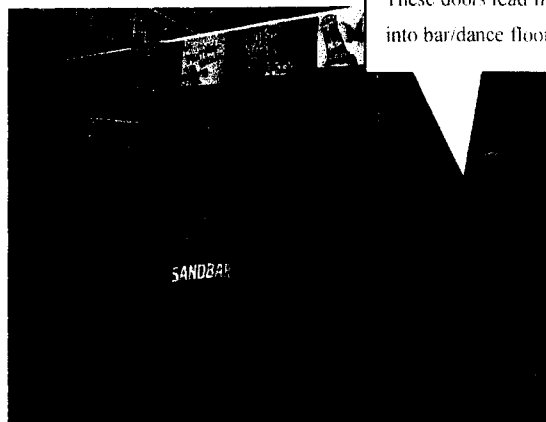
This photo from Santabarbara.com shows all windows & doors wide open



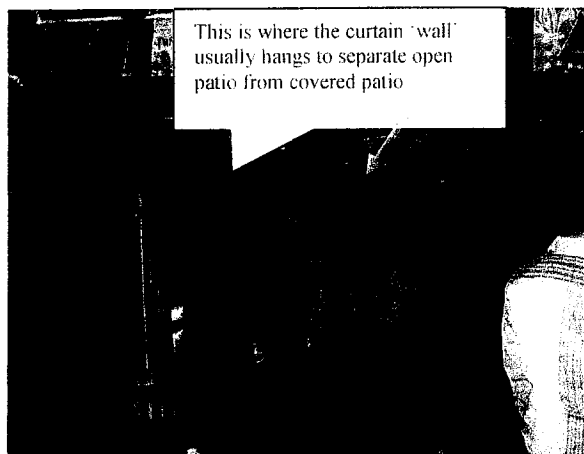
French doors are open - fold back to create passage to patio



These doors lead from patio into bar/dance floor - open



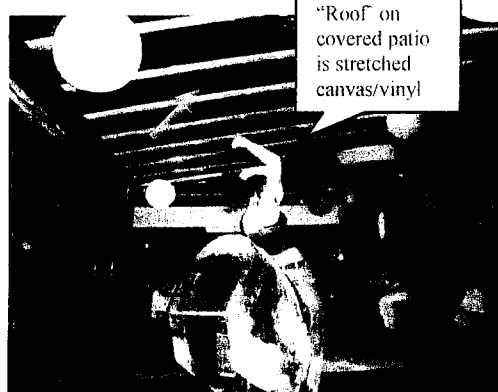
This is where the curtain 'wall' usually hangs to separate open patio from covered patio



These doors are open to patio



"Roof" on covered patio is stretched canvas/vinyl

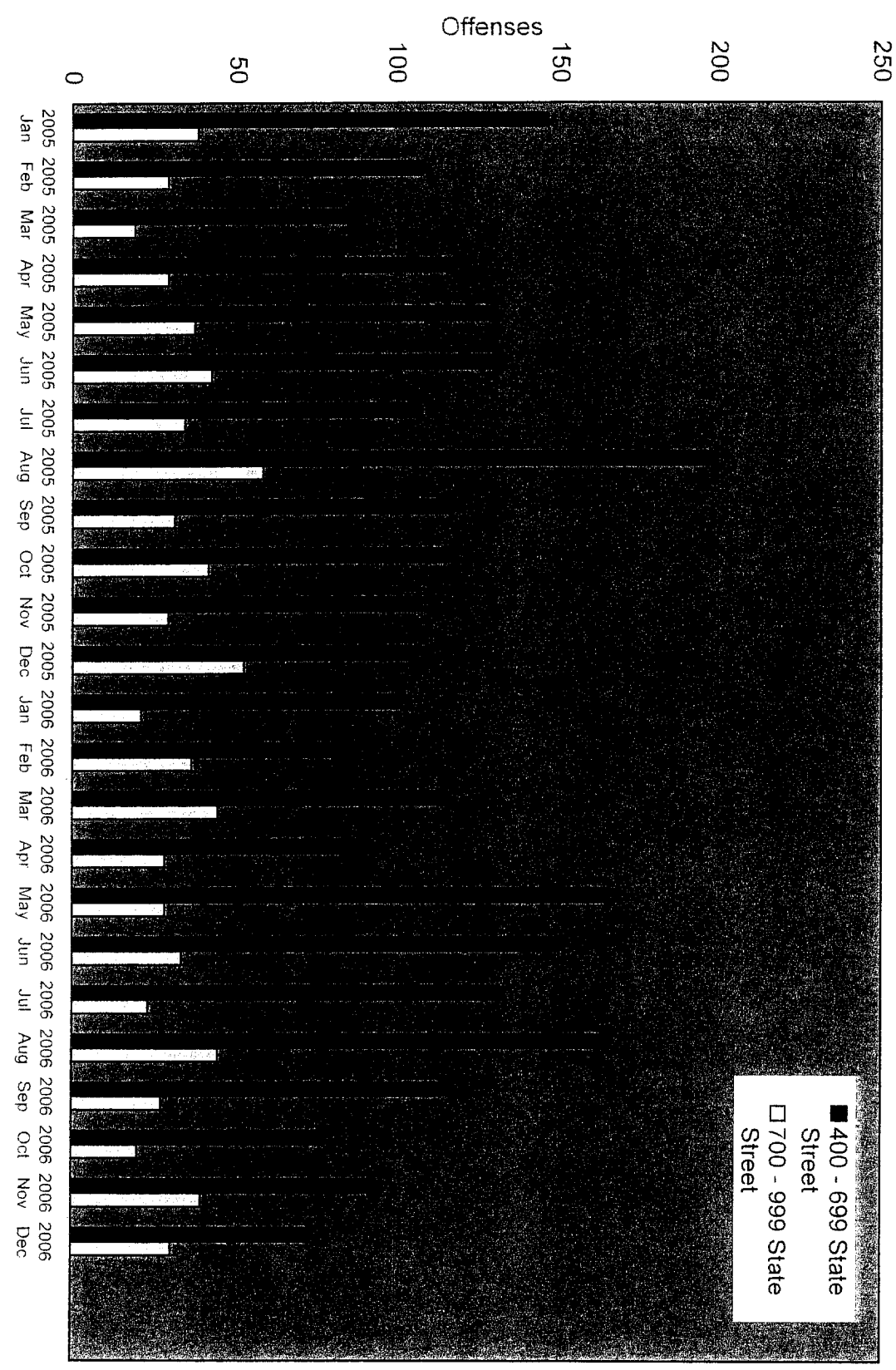


Both doors from patio to bar open



11 A"

Alcohol Related Crime 400-999 State Street  
Source: SBPD "Busted" Reports



n B '1

**Total Incidents**

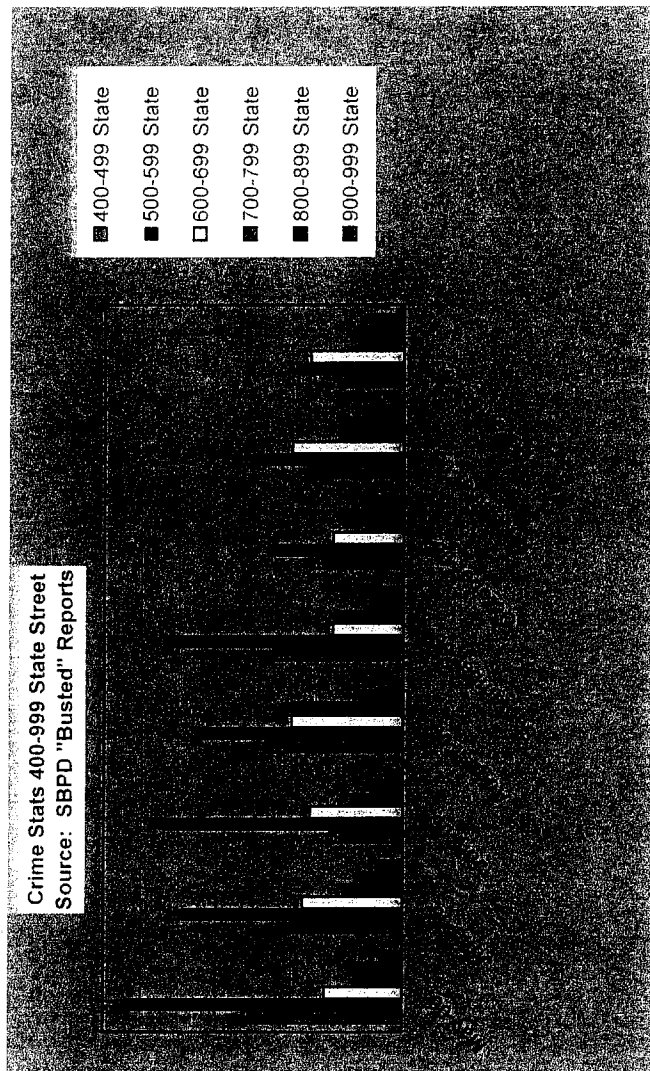
Source: Santa Barbara Police Department

**"Busted" Crime Linking Utility Reports**

	400 - 699 State Street	700 - 999 State Street	Total Incidents	More incidents in areas with concentration of Dance Permits	% increase	% of total crime in 400-600 vs. 700- 900
2005 Jan	145	38	183	107	381.58%	79.23%
2005 Feb	107	29	136	78	368.97%	78.68%
2005 Mar	84	19	103	65	442.11%	81.55%
2005 Apr	116	29	145	87	400.00%	80.00%
2005 May	128	37	165	91	345.95%	77.58%
2005 Jun	130	42	172	88	309.52%	75.58%
2005 Jul	104	34	138	70	305.88%	75.36%
2005 Aug	197	58	255	139	339.66%	77.25%
2005 Sep	115	31	146	84	370.97%	78.77%
2005 Oct	115	41	156	74	280.49%	73.72%
2005 Nov	106	29	135	77	365.52%	78.52%
2005 Dec	104	52	156	52	200.00%	66.67%
2006 Jan	100	21	121	79	476.19%	82.64%
2006 Feb	79	36	115	43	219.44%	68.70%
2006 Mar	115	44	159	71	261.36%	72.33%
2006 Apr	84	28	112	56	300.00%	75.00%
2006 May	163	28	191	135	582.14%	85.34%
2006 Jun	149	33	182	116	451.52%	81.87%
2006 Jul	130	23	153	107	565.22%	84.97%
2006 Aug	163	44	207	119	370.45%	78.74%
2006 Sep	114	27	141	87	422.22%	80.85%
2006 Oct	76	20	96	56	380.00%	79.17%
2006 Nov	92	39	131	53	235.90%	70.23%
2006 Dec	71	30	101	41	236.67%	70.30%
<b>Total</b>	<b>2787</b>	<b>812</b>	<b>3599</b>	<b>1975</b>	<b>343.23%</b>	<b>77.44%</b>

# Crime Reported by block of State Street

Month	400	500	600	700	800	900	Totals		
May-06	41	73	21	12	12	4	All blocks	400-600	700-900
Jun-06	30	59	27	16	10	7	163	135	28
Jul-06	18	64	25	14	6	3	149	116	33
Aug-06	35	54	30	30	10	4	130	107	23
Sep-06	34	61	19	17	5	5	163	119	44
Oct-06	23	34	19	6	7	7	141	114	27
Nov-06	25	37	30	15	15	9	96	76	20
Dec-06	19	27	25	11	11	8	131	92	39
Totals	225	409	196	121	76	47	1074	830	244
% of total	21%	38%	18%	11%	7%	4%		77%	23%



City of SB Permitted Dance Clubs & ABC Liquor License status with Capacities "Entertainment District"

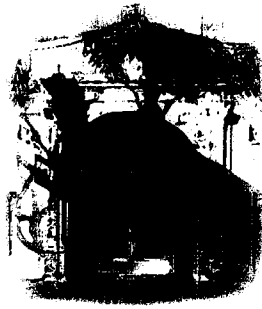
	Name	Street Number	Street	Liquor License Type	License Description	Dance Permit per F&P	Capacity per PD/FD	Part of Bar/Club Scene?
1	Cooney's	500	Anacapa	48	On Sale Gen Public Prem	YES	403	Yes
2	Couchez	214	State	02	Winegrower	YES		Yes
3	Q's	409	State	47	On Sale Gen Eat. Plc	YES	384	Yes
4	Zeno Manue - Mel's Bar (Pending)	411	State	41/48	On Sale Beer/Wine Eat. Plc	NO		Yes
5	Sharkeez	416	State	47	On Sale Gen Eat. Plc	YES	148	Yes
6	Velvet Jones	423	State	48	On Sale Gen Public Prem	YES	299	Yes
7	Sevilla	428	Chapala	47	On Sale Gen Eat. Plc	NO		Yes
8	Sangria	428	State	47	On Sale Gen Eat. Plc	NO		yes
9	Indochine/Nylon Project	434	State	48	On Sale Gen Public Prem	YES	297	Yes
10	Green Room (aka Wiskey Richards)	435	State	48	On Sale Gen Public Prem	YES	206	Yes
11	SB Brewing Co./Fig & Haley	501	State	75	On Sale Gen Brew Pub	TBD	306	yes
12	James Joyce	513	State	48	On Sale Gen Public Prem	NO	169	yes
13	Sand Bar	514	State	47	On Sale Gen Eat. Plc	YES	297	yes
14	Study Hall	519	State	48	On Sale Gen Public Prem	YES	214	yes
15	O'Malley's	523	State	48	On Sale Gen Public Prem	YES	299	yes
16	Madison's	525	State	47	On Sale Gen Eat. Plc	YES	247	yes
17	Old King's Road	532 1/2	State	48	On Sale Gen Public Prem	YES	139	yes
18	Joes Café	536	State	47	On Sale Gen Eat. Plc	NO	180	yes
19	Zelo	630	State	47	On Sale Gen Eat. Plc	YES	306	yes
20	Tonic	634	State	48	On Sale Gen Public Prem	YES	478	yes
21	Rocks	801	State	47	On Sale Gen Eat. Plc	NO		Yes
22	Wildcat Lounge	15 W.	Ortega	48	On Sale Gen Public Prem	YES	360	Yes
23	Dargan's	18 E.	Ortega	47	On Sale Gen Eat. Plc	NO	297	Yes
24	Zen Yai	425	State	41	On Sale Beer/Wine Eat. Plc	NO		
25	All India Café	431	State	41	On Sale Beer/Wine Eat. Plc	NO		
26	Bucatini	436	State	47	On Sale Gen Eat. Plc	NO		
27	Uncle Rocco's Pizza	437	State	41	On Sale Beer/Wine Eat. Plc	NO		
28	Mini Mart	439	State	21	Off Sale General	NO		
29	Something's Fishy	500	State	41	On Sale Beer/Wine Eat. Plc	NO		
30	Chilangos Café	503	State	41	On Sale Beer/Wine Eat. Plc	NO		
31	Café Nirvana	505	State	41	On Sale Beer/Wine Eat. Plc	NO		
32	Galanga	507	State	41	On Sale Beer/Wine Eat. Plc	NO		
33	Natural Café	508	State	41	On Sale Beer/Wine Eat. Plc	NO		
34	Bricks	509	State	47	On Sale Gen Eat. Plc	NO	107	
35	Talko	511	State	41	On Sale Beer/Wine Eat. Plc	NO		
36	Holdren's	512	State	47	On Sale Gen Eat. Plc	NO		
37	Pierre Lafond	516	State	41	On Sale Beer/Wine Eat. Plc	NO		
38	Zia Café	532	State	47	On Sale Gen Eat. Plc	NO		
39	Cost Plus	610	State	20	Off Sale Beer/Wine	NO		
40	Chads	625	Chapala	47	On Sale Gen Eat. Plc	NO		
41	Greek Deli	636	State	41	On Sale Beer/Wine Eat. Plc	NO		
42	Left at Albuquerque	700	State	47	On Sale Gen Eat. Plc	NO	181	



Name	Street Number	Street	Liquor License Type	License Description	Dance Permit per F&P	Capacity per PD/FD	Part of Bar/Club Scene?
43 Pirahana	714	State	41	On Sale Beer/Wine Eat. Plc	NO		
44 Chipotle	723	State	41	On Sale Beer/Wine Eat. Plc	NO		
45 Pascucci	729	State	47	On Sale Beer/Wine Eat. Plc	NO		
46 Ruby's Café	734	State	47	On Sale Gen Eat. Plc	NO		
47 Kai Sushi	738	State	41	On Sale Beer/Wine Eat. Plc	NO		
48 Square One Restaurant	14 E.	Cola	41	On Sale Beer/Wine Eat. Plc	NO		
49 Luck Restaurant	18 E.	Cola	41	On Sale Beer/Wine Eat. Plc	NO		
50 Blue Agave	20 E.	Cola	47	On Sale Gen Eat. Plc	NO		
51 Palace Grill	8 E.	Cola	47	On Sale Gen Eat. Plc	NO		

License Type						
Liquor Licenses by Block/Type	41	47	48	Other	Total	
400 State Street	4	4	3	1	12	
500 State Street	7	6	4	1	18	
600 State Street	1	1	1	1	4	
700 State Street	3	3			6	
400-600Chapala (1 block off State)		2			2	
500 Anacapa (1 block off State)			1		1	
8 E. - 20 E. Cota (1 block off State)	2	2			4	
15 W. - 18 E. Ortega		1	1		2	
<b>Total</b>	<b>17</b>	<b>19</b>	<b>10</b>	<b>3</b>	<b>49</b>	

License Type				
Liquor Licenses by Block - total	No. Licenses	% of whole	Liquor License Type	License Description
400 State	12	24%	75	On Sale Gen Brew Pub
500 State	18	37%	43	On Sale Gen Public Prem
600 State	4	8%	147	On Sale Gen Eat Plc
700 State	6	12%	41	On Sale Beer/Wine Eat Plc
Chapala	2	4%	20/21	Off Sale Beer/Wine
500 Anacapa	1	2%		
8 E. - 20 E. Cota	4	8%		
15 W. - 18 E. Ortega	2	4%		
<b>Total</b>	<b>49</b>			



RECEIVED

MAR 09 2007

CITY CLERK'S OFFICE  
SANTA BARBARA, CA

H O T E L   S A N T A   B A R B A R A

**Notice of Appeal – *omitted information***

To: Santa Barbara City Council

Submitted by: Tamara Erickson

Date: March 8, 2007

Re: Dance Permit at 514 State Street

Body Granting Permit: Police & Fire Commission

Date Permit Granted: February 22, 2007 (10 day appeal requirement waived due to inaccurate appeal information provided at P&F Commission hearing)

The attached report was referenced, but inadvertently omitted from the appeal submitted yesterday. Please add it to the appeal material.

Thank you.

Tamara J. Erickson  
General Manager

Encl.



# CITY OF SANTA BARBARA

## ORDINANCE COMMITTEE REPORT

**AGENDA DATE:** December 13, 2005

**TO:** Ordinance Committee

**FROM:** Police Department

**SUBJECT:** Dance Permit Ordinance Revisions and Update on Nightlife Issues

**RECOMMENDATION:** That the Ordinance Committee:

- A. Direct staff to initiate amendments to Santa Barbara Municipal Code Chapter 5.20 to revise the dance permit process and update dance permit fees;
- B. Receive a status report on nightlife issues in the Downtown area and the City's dance permit process; and
- C. Provide direction to staff on options to reduce public nuisance behavior, improve public safety, and balance the use of City resources in the Downtown area.

### DISCUSSION

#### Executive Summary

In August 2005, a team of representatives from the Police, Fire, Community Development, Finance Department, City Attorney's Office and City Administration was created to conduct preliminary research on nightlife issues and the dance permit process in an effort to improve public safety and reduce public nuisance behavior. Staff proposes to revise the Dance Ordinance because it is outdated and the dance permit fees do not recover staff processing costs. More information is presented to the Ordinance Committee as an update on nightlife issues in the Downtown area. Direction is needed from the Ordinance Committee to pursue options to improve public safety, reduce public nuisances, and balance the use of City resources in the Downtown area.

#### Background

Over the past 15 years, the City of Santa Barbara has experienced growth in the number of restaurants, bars and nightclubs in the Old Town and Downtown corridors of Santa Barbara. This area is known as the "Downtown Business District" or the "Entertainment District". The City of Santa Barbara, General Plan Update 2030 refers to this area as the "Entertainment District." As defined in the General Plan Update 2030,

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REVIEWED BY: \_\_\_\_\_ Finance \_\_\_\_\_ Attorney

Agenda Item No. \_\_\_\_\_

## Ordinance Committee Agenda Report

### DANCE PERMIT ORDINANCE REVISIONS AND UPDATE ON NIGHTLIFE ISSUES

December 13, 2005

Page 2

the Entertainment District is a corridor from approximately Sola Street south to the beach, and Chapala Street to the west and Santa Barbara Street to the east.

Santa Barbara County has a population of 419,260 and 1,254 liquor licenses. The City of Santa Barbara has a population of 90,518 and has 538 liquor licenses. This means that 21% of the County's population resides in the City of Santa Barbara; however, the City holds 43% of the County's liquor licenses. A third of the City's liquor licenses are located in Census Tract 9. The Entertainment District is located within this census tract and covers approximately .4 square miles, or 2% of the City's total 21 square miles.

For a state-wide comparison the following table includes a breakdown of the licenses per 1,000 residents in the California tourist cities. The data clearly indicates that the City of Santa Barbara's Entertainment District, which is covered by State Alcohol and Beverage Control (ABC), has a high concentration of ABC licenses per capita in the State of California. This high concentration has presented law enforcement and public safety challenges.

City	Population	Liquor Licenses Per 1,000 Population
Santa Barbara	90,518	5.94
San Luis Obispo	44,519	4.38
Santa Monica	91,495	3.69
Ventura	106,096	3.39
Pasadena	146,166	2.72
Huntington Beach	200,763	1.76
Oxnard	188,849	1.56

To date, the City of Santa Barbara has taken the following measures to ensure public safety and manage the District:

- Amended the Noise Ordinance;
- Created the Nightlife Enforcement Team (NET);
- Secured Alcoholic Beverage Control (ABC) grants for prevention, education and enforcement; and
- Created partnerships with the Downtown Organization, Restaurant & Bar Association, and other business and community based organizations.

#### **Current Issues**

As the committee explored current nightlife issues facing the Entertainment District, the following issues were identified:

- *Dance Ordinance* – The Dance Ordinance is outdated and the dance permit fees do not recover staff processing costs.
- *Public Safety* – There are a high number of reported offenses and alcohol-related crimes in the Entertainment District compared to the rest of the City.
- *Noise / Mixed Land Use* – The combination of commercial and residential land uses are not compatible in the late evening hours due to noise issues.

- *Resources / Funding* – City staff, primarily from the Police and Fire Departments, spend considerable time managing the Entertainment District on evenings from Thursday through Saturday, reducing the police coverage throughout the City.

These issues are covered in more detail below.

### ***Dance Ordinance***

Although not every establishment that has an ABC license has a dance permit, there are a total of 28 dance permits in the City of Santa Barbara. Of these dance permits, 21 are located within the Entertainment District, resulting in 75% of the City's dance permits in this District. Presently, the City collects a one-time permit processing fee of \$20 for a dance permit. According to a 2003 User Fee Study, the full cost to process a dance permit was \$1,094. This figure does not reflect salary and benefit increases since the study was conducted.

The City of Santa Barbara's Dance Permit Ordinance was first adopted in the 1960's and last updated in 1994. City staff, the Fire and Police Commission, and some business representatives believe that the City's current dance ordinance is not designed to manage the type of vibrant Entertainment District that exists today. Therefore, many of these stakeholders believe that a new approach is needed to properly manage this Entertainment District. Some of the issues with the existing ordinance that have been identified for an update or implementation are:

- *Periodic Renewal* – Presently all dance permits are issued on a permanent basis and are not subject to renewal or review on a periodic basis.
- *Temporary Dance Permits* – Currently the code allows a business one temporary single day dance permit per calendar year.
- *Minors in Dance Permit Establishments Where Alcohol Is Served* – Currently the code allows minors to be present in dance permit establishments where alcohol is sold, served and consumed.
- *Background Checks on Dance Permit Holders* – Presently dance permit applicants or holders are not subject to any sort of background investigation, which is a requirement in several other cities where public safety is an issue.
- *Dance Permit Exemptions* – Currently the code does not specify those institutions/organizations that are exempt from the dance permit requirement, including schools and churches.
- *Outdoor Live Entertainment and Dancing* – Presently the code does not specifically address outdoor live entertainment and dancing.
- *Security Guidelines* – Currently the code does not outline the training, appropriate attire or number of security personnel needed by dance permit establishments.

The effect of the proposed amendments on the current dance permittees must also be addressed because of possible property interests in their existing dance permits. The City will likely need to develop a method of providing due process for the current dance

permittees that provides an adequate and full opportunity to be heard before these new requirements are effective.

### ***Public Safety***

Public safety is one of the City's top priorities not only in the Entertainment District, but City-wide. This includes the safety of individuals who work and reside in the Entertainment District, visitors to the District and the police personnel that work in the area. On most Thursday, Friday and Saturday evenings from 10:00 p.m. to 3:00 a.m., the majority of the Police Department's on-duty personnel are policing the Entertainment District due to call volume and crowd management.

Over the last three years from the hours of 10:00 p.m. to 3:00 a.m., 25% of the City's reported criminal offenses, and 54% of all alcohol-related crimes occurred in the Entertainment District. This area also accounted for 42% of the Police Department's arrests. 38% of all Sobering Center admissions are a result of arrests in the District.

The Fire Department is also concerned with the overall life safety of building occupants, emergency exiting, and overcrowding issues.

### ***Noise/Mixed Land Use***

Many bars and nightclubs that are located within the Entertainment District play amplified music for entertainment and dancing. This has lead to noise conflicts with residents and hotels. Some of the noise concerns extend beyond the amplified music, such as visitors walking to and from the area, and vehicular traffic. The number of loud music or party calls in the Entertainment District is consistent with the number City-wide. However, there are businesses and residents within the District that have voiced concerns over the loud noise and music.

Although residential uses have been allowed in the commercial zones since at least 1957, past land use practices resulted in a separation between residential and commercial development. The City has encouraged mixed use projects (commercial and residential uses combined on a single lot) since 1998, and as a result, a large number of residential units have been built, and are proposed in or near the Entertainment District. Additionally, restaurants and entertainment facilities are being established or expanding in areas off State Street, closer to residential uses. This combination of new residential units in/near the Entertainment District, and new entertainment facilities off State Street may increase the exposure of residents to loud noise and unlawful behavior, causing an increase in calls for service to the Police Department.

The City amended the Noise Ordinance in March 2000. The amended noise ordinance sets forth criteria for which a noise violation occurs and sets forth 14 different factors that a police officer may utilize in determining whether a violation occurred. This was a change from the previous noise ordinance which required the use of a sound meter and decibel readings. Since the adoption of the amendments, enforcement has varied from warnings to criminal trials. The last trial for a noise violation was in 2002.

### ***Resources/Funding***

Experience and crime statistics point out that a considerable amount of the Police Department's resources are needed to maintain public safety and manage the crowds in the Entertainment District. Additionally other City departments utilize considerable resources in this District. For example, the Fire Department determines exiting requirements, occupant load, overcrowding and other fire code violations.

Actual Police Department costs related to nightlife enforcement in the Entertainment District include the four positions in the Nightlife Enforcement Team (NET) that are assigned to the District on Wednesday, Thursday, Friday and Saturday evenings at an annual cost of approximately \$519,435. However, the current service level is only 2 positions due to vacant positions from budget constraints at a cost of approximately \$259,718. Another cost is the reassignment of officers from their designated beats on Thursday, Friday and Saturday evenings to police the District. While these beat officers and specialty units are already scheduled to work this time period, they are redeployed to the Entertainment District, resulting in reduced availability to respond to calls for service in their assigned beats in other areas of the City. This annual cost of officers during the weekend evening hours reassigned to the District is approximately \$386,100. This does not include the cost of special events or major incidents.

Finally, jail booking fees and Sobering Center costs also add to the nightlife enforcement cost. In 2004 the Department spent approximately \$51,885 in Sobering Center admission costs and \$88,765 in Santa Barbara County Jail booking fees stemming from all arrests in this area. All costs for law enforcement are funded through the City's General Fund.

### **Options**

To date staff research has not included any formal community outreach. Based on the direction from Ordinance Committee and the options considered, extensive community outreach will be conducted.

Staff recommends that the Ordinance Committee direct staff to revise the Dance Permit Ordinance and adjust the dance permit fee to recover a larger portion of the permit processing costs. Ordinance revisions will address periodic review or renewal of the dance permits, temporary dance permits, minors in dance permit establishments serving alcohol, background checks for permit holders, permit exemptions, outdoor live entertainment and dancing, and security guidelines. Following community outreach, staff could return to the Ordinance Committee in May 2006 with a draft ordinance.

The Ordinance Committee should consider directing staff to initiate other options to address other nightlife issues, including the following:

- Explore funding tools to pay for existing or enhanced nightlife enforcement services (i.e. assessment district or alcohol permit); and

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- Explore strategies to limit the number of alcohol-serving establishments and related public safety issues in the Entertainment District.

Based on direction from the Ordinance Committee, Staff will return to the Committee with a draft ordinance, an analysis of feedback from businesses and residents in the Entertainment District, and other strategies to better manage the District, if desired by the Committee.

**ATTACHMENT:** Santa Barbara Municipal Code 5.20

**PREPARED BY:** Robert Lowry, Police Captain

**SUBMITTED BY:** Camerino Sanchez, Chief of Police

**APPROVED BY:** City Administrator's Office